

## APPENDIX C.    THREATENED AND ENDANGERED SPECIES CORRESPONDENCE

<b><u>Item</u></b>	<b><u>Page</u></b>
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Letter, William C. Holston (CEG) to David A. Stillwell (FWS) February 28, 2004.	C-29

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CEG    =   Constellation Energy Group – Nine Mile Point Nuclear Station  
CNS    =   Constellation Nuclear Station, Inc.  
DEC    =   New York State Department of Environmental Conservation  
FWS    =   U.S. Fish and Wildlife Service  
NHP    =   New York State Natural Heritage Program

**NINE MILE POINT NUCLEAR STATION  
LICENSE RENEWAL APPLICATION  
ENVIRONMENTAL INFORMATION**

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2200 Defense Highway  
Suite 405  
Crofton, Maryland 21114  
410 793-3400  
410 793-3441 Fax



*A Member of the  
Constellation Energy Group*

December 13, 2002  
CNS-02-153

Mr. Paul Nickerson  
Northeast Regional Office  
U.S. Fish and Wildlife Service  
300 Westgate Center Drive  
Hadley, MA 01035-9589

Subject: Nine Mile Point Nuclear Station Units 1 & 2  
License Renewal Project  
Threatened and Endangered Species – Data Request

Dear Mr. Nickerson:

On behalf of Nine Mile Point Nuclear Station, LLC (NMPNS), Constellation Nuclear Services, Inc. is preparing an application to renew the operating licenses for Nine Mile Point Units 1 & 2, located in the Town of Scriba, Oswego County, NY. As part of the license renewal process, the Nuclear Regulatory Commission (NRC) requires that applicants identify adverse impacts to threatened and endangered species resulting from continued operation of the facility or refurbishment activities associated with the license renewal. We also intend the application to be consistent with your agency's interests and the priorities of our community.

The assessment of this issue includes both the plant site and associated power transmission corridors. Please provide any records or other information that your office may have concerning threatened and endangered species in the areas noted. To assist you in making your determination, three figures are enclosed depicting the Nine Mile Point site and the associated transmission line corridors. The site is located at latitude 43°31'117" and longitude 76°24'39".

It is our intent, by contacting you at this early stage in the process to identify any threatened or endangered species that may be present so we can complete the assessment. Because there are no planned operational or land disturbing activities associated with the period of extended operation that would impact previously undisturbed areas of the site, CNS preliminary conclusion is that there will be no impacts to threatened or endangered species. However, we need any records your office may have to confirm this conclusion. As we finalize the application, we will contact you again to discuss the renewal process for Nine Mile Point.

I want to thank you in advance for your prompt attention to this data request. If you have any comments or questions, please contact me at (410) 793-3501.

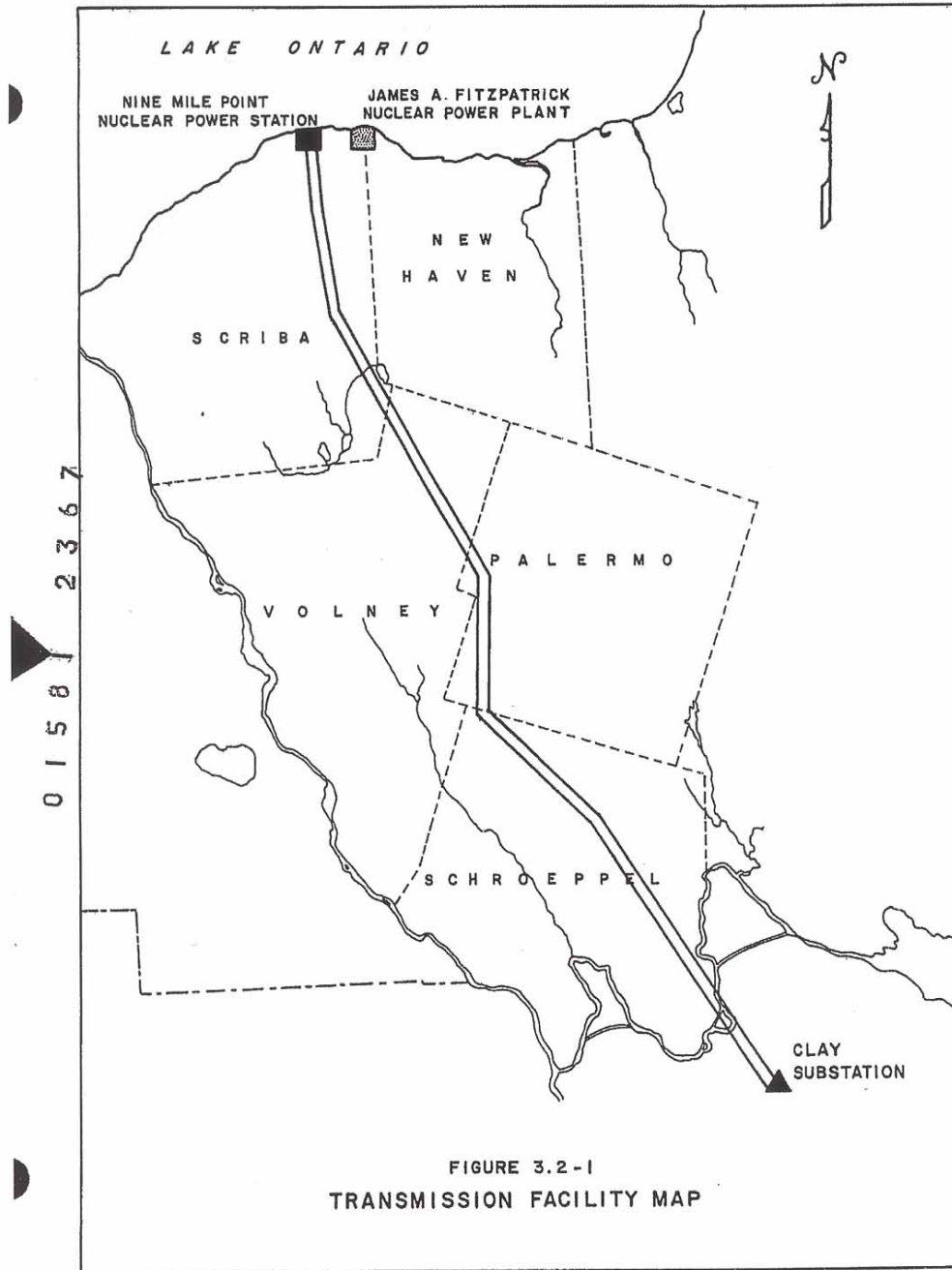
Sincerely,

A handwritten signature in cursive script, appearing to read "Carla M. Logan".

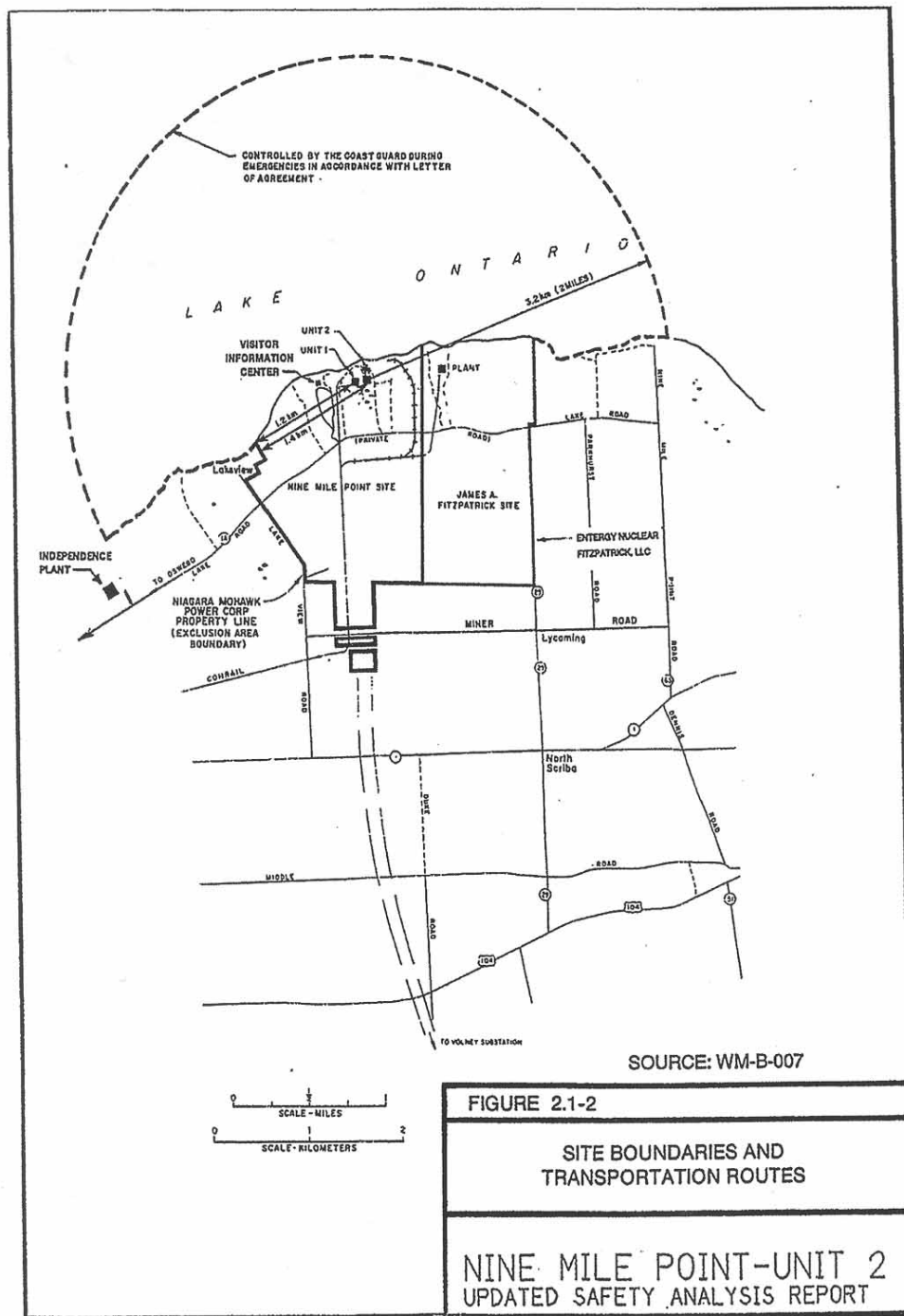
Carla M. Logan  
Environmental Review Lead

Enclosures (3)

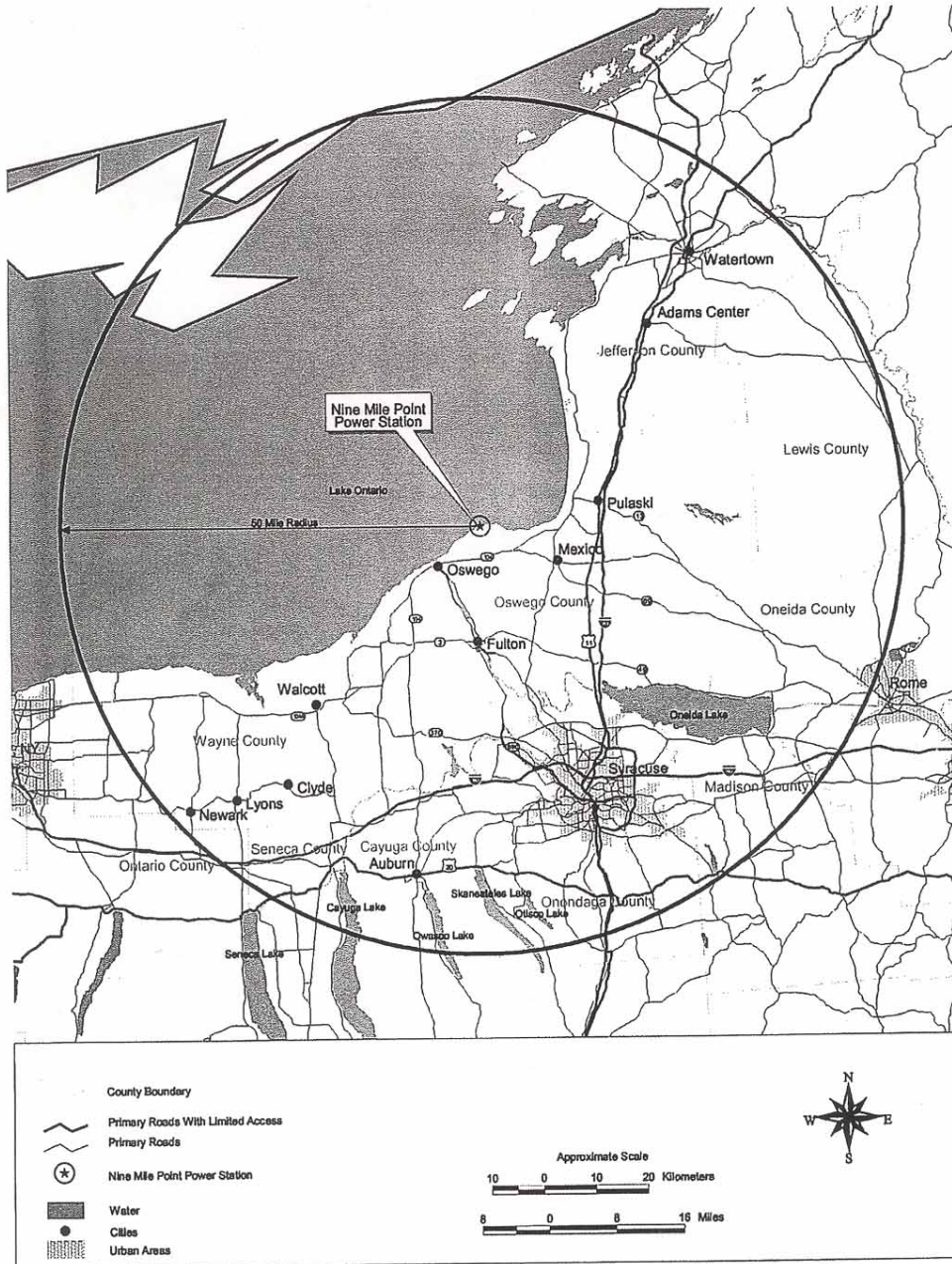
NINE MILE POINT NUCLEAR STATION  
LICENSE RENEWAL APPLICATION  
ENVIRONMENTAL INFORMATION



# NINE MILE POINT NUCLEAR STATION LICENSE RENEWAL APPLICATION ENVIRONMENTAL INFORMATION



# **NINE MILE POINT NUCLEAR STATION LICENSE RENEWAL APPLICATION ENVIRONMENTAL INFORMATION**





**NINE MILE POINT NUCLEAR STATION  
LICENSE RENEWAL APPLICATION  
ENVIRONMENTAL INFORMATION**

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received 13 January 2003



**United States Department of the Interior**

**FISH AND WILDLIFE SERVICE**

3817 Luker Road  
Cortland, NY 13045



January 9, 2003

Ms. Carla M. Logan  
Environmental Review Lead  
Constellation Nuclear Services  
2200 Defense Highway, Suite 405  
Crofton, MD 21114

Dear Ms. Logan:

This responds to your letter of December 13, 2002, requesting information on the presence of endangered or threatened species in the vicinity of the Nine Mile Point Nuclear Station, Units 1 and 2, in the Town of Scriba, Oswego County, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required with the U.S. Fish and Wildlife Service (Service). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. A compilation of Federally listed and proposed endangered and threatened species in New York is enclosed for your information.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s) as shown on the enclosed map, and:

New York State Department of Environmental Conservation  
New York Natural Heritage Program Information Services  
625 Broadway  
Albany, NY 12233  
(518) 402-8935

Since wetlands may be present, you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

**NINE MILE POINT NUCLEAR STATION  
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Cornell Institute for Resource Information Systems  
302 Rice Hall  
Cornell University  
Ithaca, NY 14853  
(607) 255-4864

Work in certain waters and wetlands of the United States may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without stipulations, or recommend denial of the permit depending upon the potential adverse impacts on fish and wildlife resources associated with project implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s) as shown on the enclosed map.

If you require additional information please contact Michael Stoll at (607) 753-9334.

Sincerely,

  
Acting For

David A. Stilwell  
Field Supervisor

Enclosures

cc: NYSDEC, Syracuse, NY (Environmental Permits)  
NYSDEC, Albany, NY (Natural Heritage Program)  
COE, Buffalo, NY

**NINE MILE POINT NUCLEAR STATION  
LICENSE RENEWAL APPLICATION  
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**FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES  
IN NEW YORK**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
<u>FISHES</u>			
Sturgeon, shortnose*	<i>Acipenser brevirostrum</i>	E	Hudson River & other Atlantic coastal rivers
<u>REPTILES</u>			
Turtle, bog	<i>Clemmys muhlenbergii</i>	T	Albany, Columbia, Dutchess, Genesee, Orange, Oswego, Putnam, Seneca, Sullivan, Ulster, Wayne, and Westchester Counties
Turtle, green*	<i>Chelonia mydas</i>	T	Oceanic summer visitor coastal waters
Turtle, hawksbill*	<i>Eretmochelys imbricata</i>	E	Oceanic summer visitor coastal waters
Turtle, leatherback*	<i>Dermochelys coriacea</i>	E	Oceanic summer resident coastal waters
Turtle, loggerhead*	<i>Caretta caretta</i>	T	Oceanic summer resident coastal waters
Turtle, Atlantic ridley*	<i>Lepidochelys kempii</i>	E	Oceanic summer resident coastal waters
<u>BIRDS</u>			
Eagle, bald	<i>Haliaeetus leucocephalus</i>	T	Entire state
Plover, piping	<i>Charadrius melodus</i>	E	Great Lakes Watershed Critical Habitat - Eastern Lake Ontario shoreline from Salmon River (Oswego County) to Stony Point (Jefferson County)
Tern, roseate	<i>Sterna dougallii dougallii</i>	T E	Remainder of coastal New York Southeastern coastal portions of state
<u>MAMMALS</u>			
Bat, Indiana	<i>Myotis sodalis</i>	E	Entire state
Cougar, eastern	<i>Felis concolor cougar</i>	E	Entire state - probably extinct
Whale, blue*	<i>Balaenoptera musculus</i>	E	Oceanic
Whale, finback*	<i>Balaenoptera physalus</i>	E	Oceanic
Whale, humpback*	<i>Megaptera novaeangliae</i>	E	Oceanic
Whale, right*	<i>Eubalaena glacialis</i>	E	Oceanic
Whale, sei*	<i>Balaenoptera borealis</i>	E	Oceanic
Whale, sperm*	<i>Physeter catodon</i>	E	Oceanic

\* Except for sea turtle nesting habitat, principal responsibility for these species is vested with the National Marine Fisheries Service.



**NINE MILE POINT NUCLEAR STATION  
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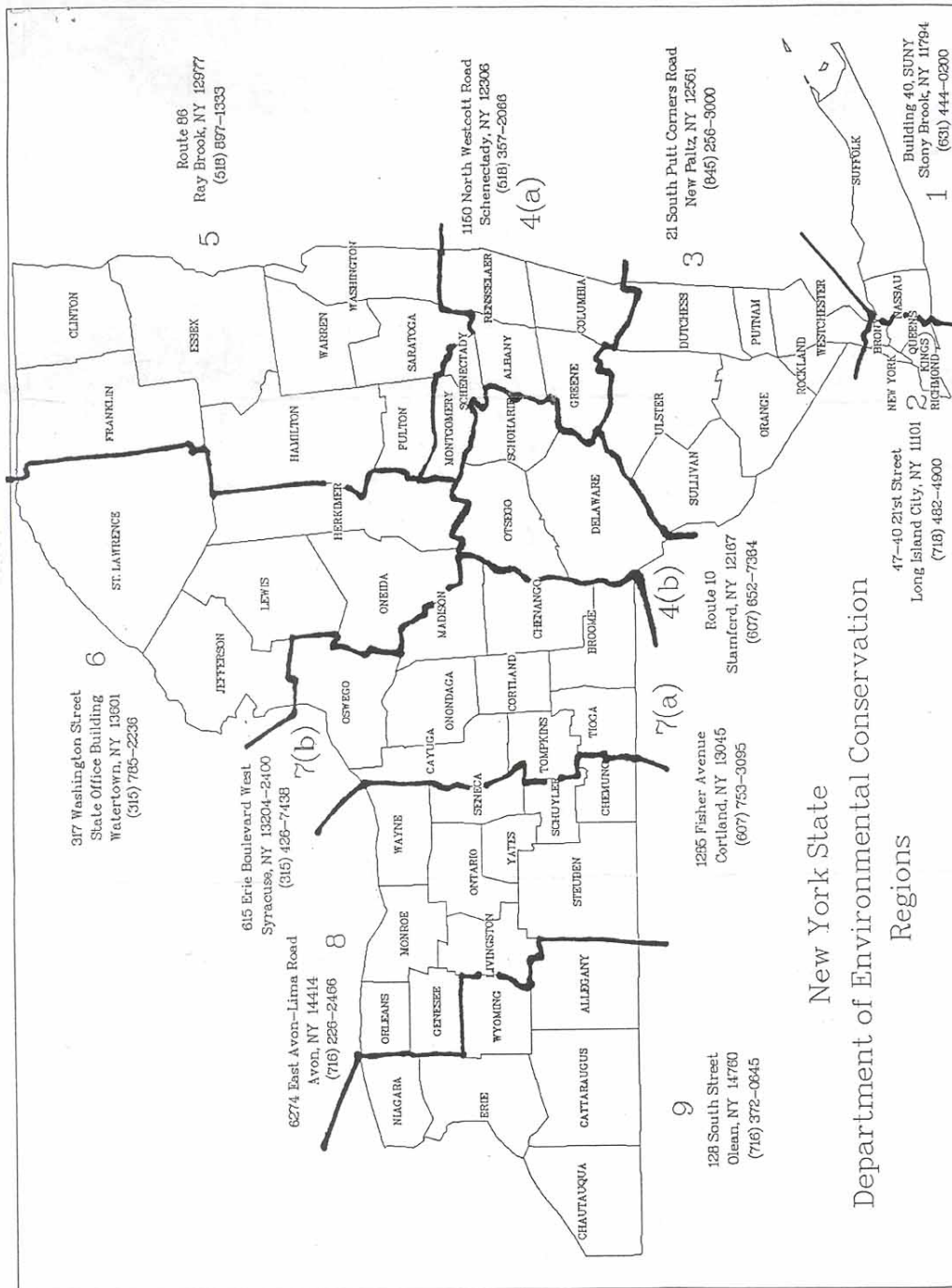
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**FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES  
IN NEW YORK (Cont'd)**

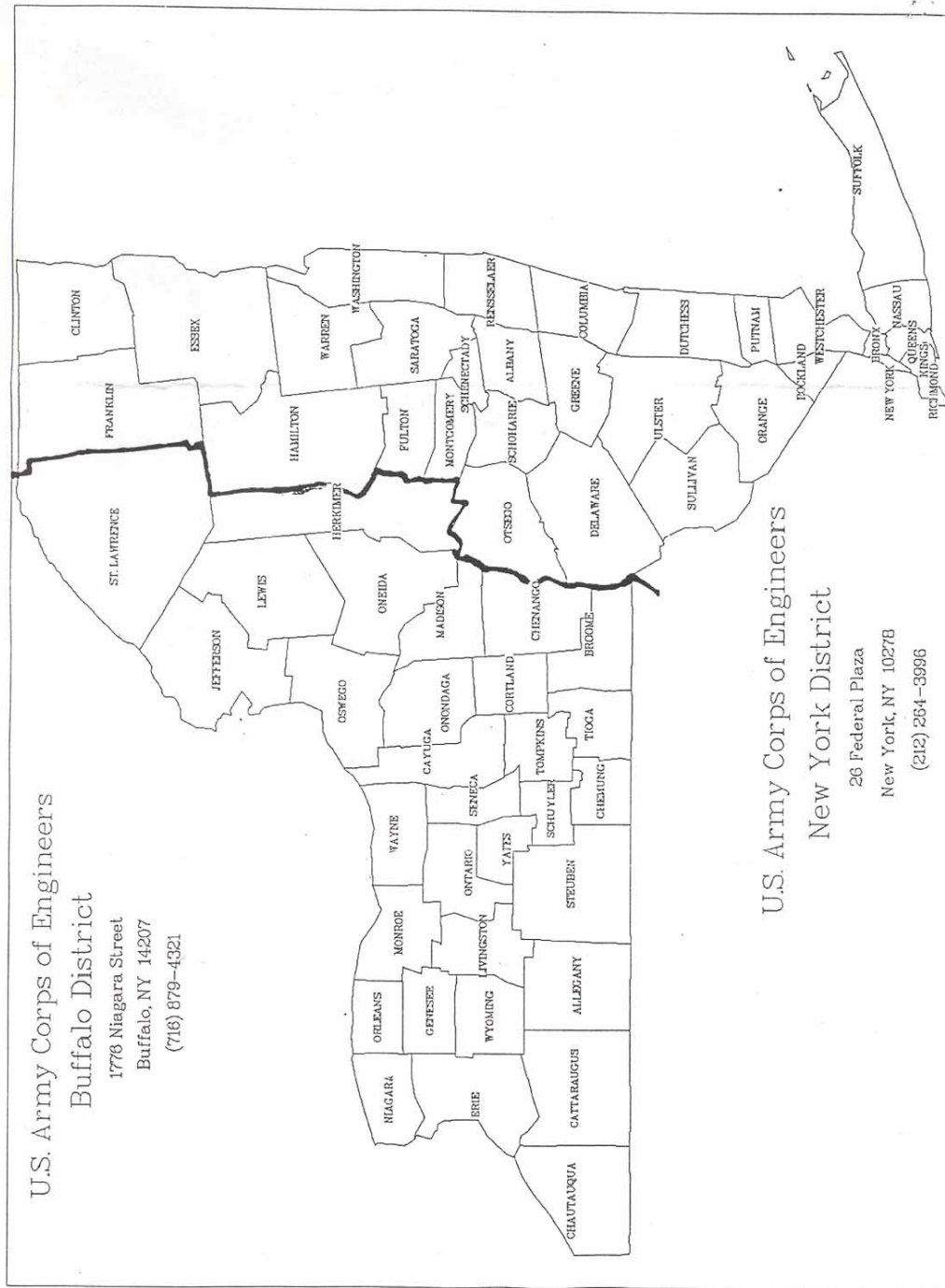
<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
<u>MOLLUSKS</u>			
Snail, Chittenango ovate amber	<i>Novisuccinea chittenangoensis</i>	T	Madison County
Mussel, dwarf wedge	<i>Alasmidonta heterodon</i>	E	Orange County - lower Neversink River Delaware and Sullivan Counties - Delaware River
<u>BUTTERFLIES</u>			
Butterfly, Karner blue	<i>Lycaeides melissa samuelis</i>	E	Albany, Saratoga, Warren, and Schenectady Counties
<u>PLANTS</u>			
Monkshood, northern wild	<i>Aconitum noveboracense</i>	T	Ulster, Sullivan, and Delaware Counties
Pogonia, small whorled	<i>Isotria medeoloides</i>	T	Entire state
Swamp pink	<i>Helonias bullata</i>	T	Staten Island - presumed extirpated
Gerardia, sandplain	<i>Agalinis acuta</i>	E	Nassau and Suffolk Counties
Fern, American hart's-tongue	<i>Asplenium scolopendrium</i> var. <i>americana</i>	T	Onondaga and Madison Counties
Orchid, eastern prairie fringed	<i>Platanthera leucophea</i>	T	Not relocated in New York
Bulrush, northeastern	<i>Scirpus ancistrochaetus</i>	E	Not relocated in New York
Roseroot, Leedy's	<i>Sedum integrifolium</i> ssp. <i>Leedyi</i>	T	West shore of Seneca Lake
Amaranth, seabeach	<i>Amaranthus pumilus</i>	T	Atlantic coastal plain beaches
Goldenrod, Houghton's	<i>Solidago houghtonii</i>	T	Genesee County

E=endangered T=threatened P=proposed

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2200 Defense Highway  
Suite 405  
Crofton, Maryland 21114  
410 793-3400  
410 793-3441 Fax



*A Member of the  
Constellation Energy Group*

February 10, 2003  
CNS-03-015

Mr. David VanLuven, Director  
New York Natural Heritage Program  
625 Broadway, 5<sup>th</sup> Floor  
Albany, New York 12233-4757

Subject: Nine Mile Point Nuclear Station Units 1 & 2  
License Renewal Project  
Data Request – Threatened, Endangered and Species of Special Concern and/or  
Significant Natural Habitats

Dear Mr. VanLuven:

On behalf of Nine Mile Point Nuclear Station, LLC (NMPNS), Constellation Nuclear Services, Inc. is preparing an application to renew the operating licenses for Nine Mile Point Units 1 & 2, located in the Town of Scriba, Oswego County, NY. As part of the license renewal process, the Nuclear Regulatory Commission (NRC) requires that applicants identify adverse impacts to threatened and endangered species resulting from continued operation of the facility or refurbishment activities associated with the license renewal. We also intend the application to ensure your program's interests and the priorities of our community are considered as part of the evaluation.

The assessment of this issue includes both the plant site and associated power transmission corridors. Please provide any records or other information that your office may have concerning threatened, endangered and species of special concern and/or significant natural communities in the areas noted. To assist you in making your determination, several figures are enclosed depicting the Nine Mile Point site and the associated transmission line corridors. The site is located at latitude 43°31'117" and longitude 76°24'39".

It is our intent, by contacting you at this early stage in the process to identify any threatened, endangered and species of special concern and/or significant natural communities that may be present so we can complete the assessment. It should be noted that there are no planned operational or land disturbing activities associated with the period of extended operation of the NMPNS that would impact previously undisturbed areas of the site. As we finalize the application, we will contact you again to discuss the license renewal process for Nine Mile Point.

**NINE MILE POINT NUCLEAR STATION  
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*Mr. David VanLuven, Director  
New York Natural Heritage Program  
February 10, 2003  
Page 2*

I want to thank you in advance for your prompt attention to this data request. If you have any comments or questions, please contact me at (410) 793-3501.

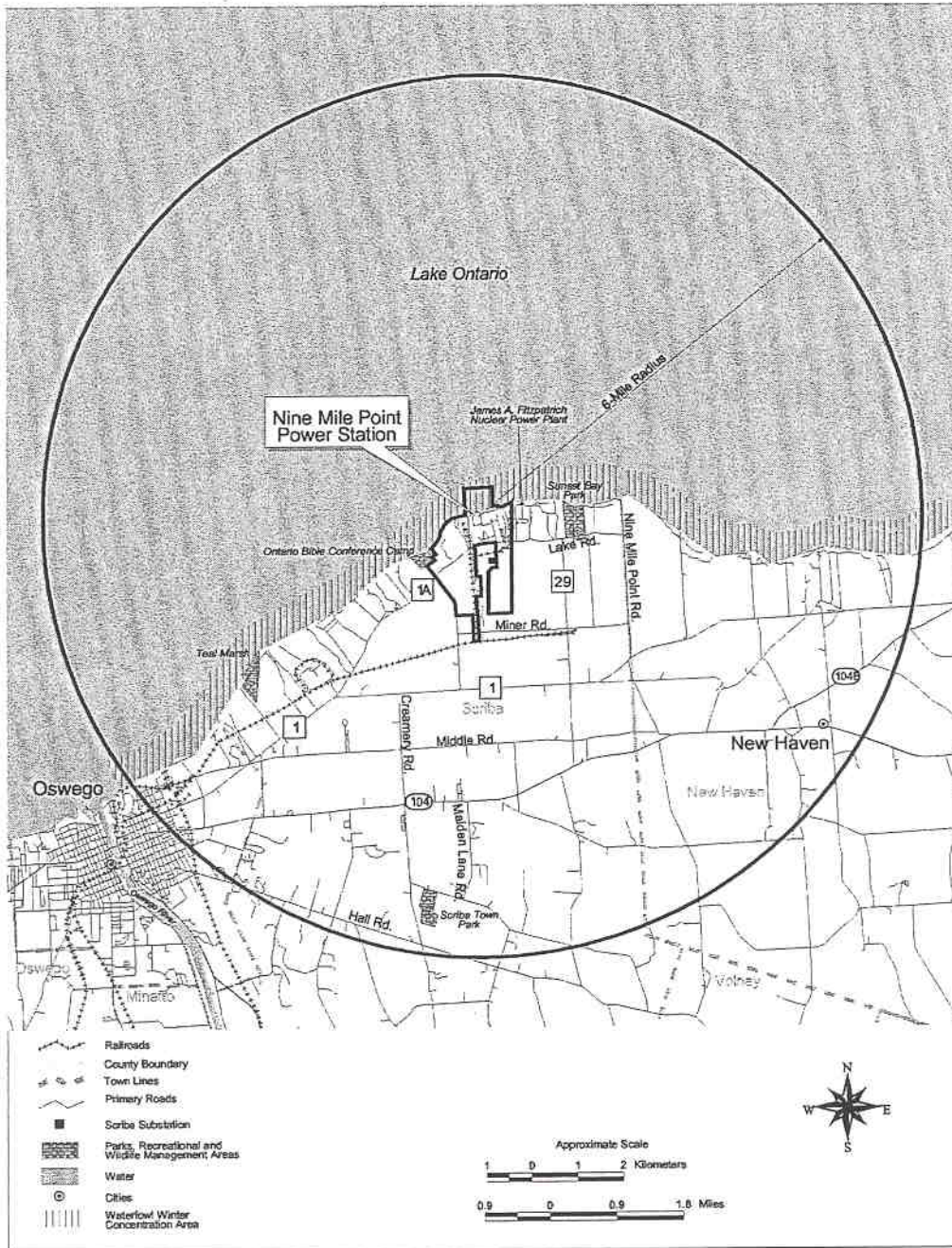
Sincerely,



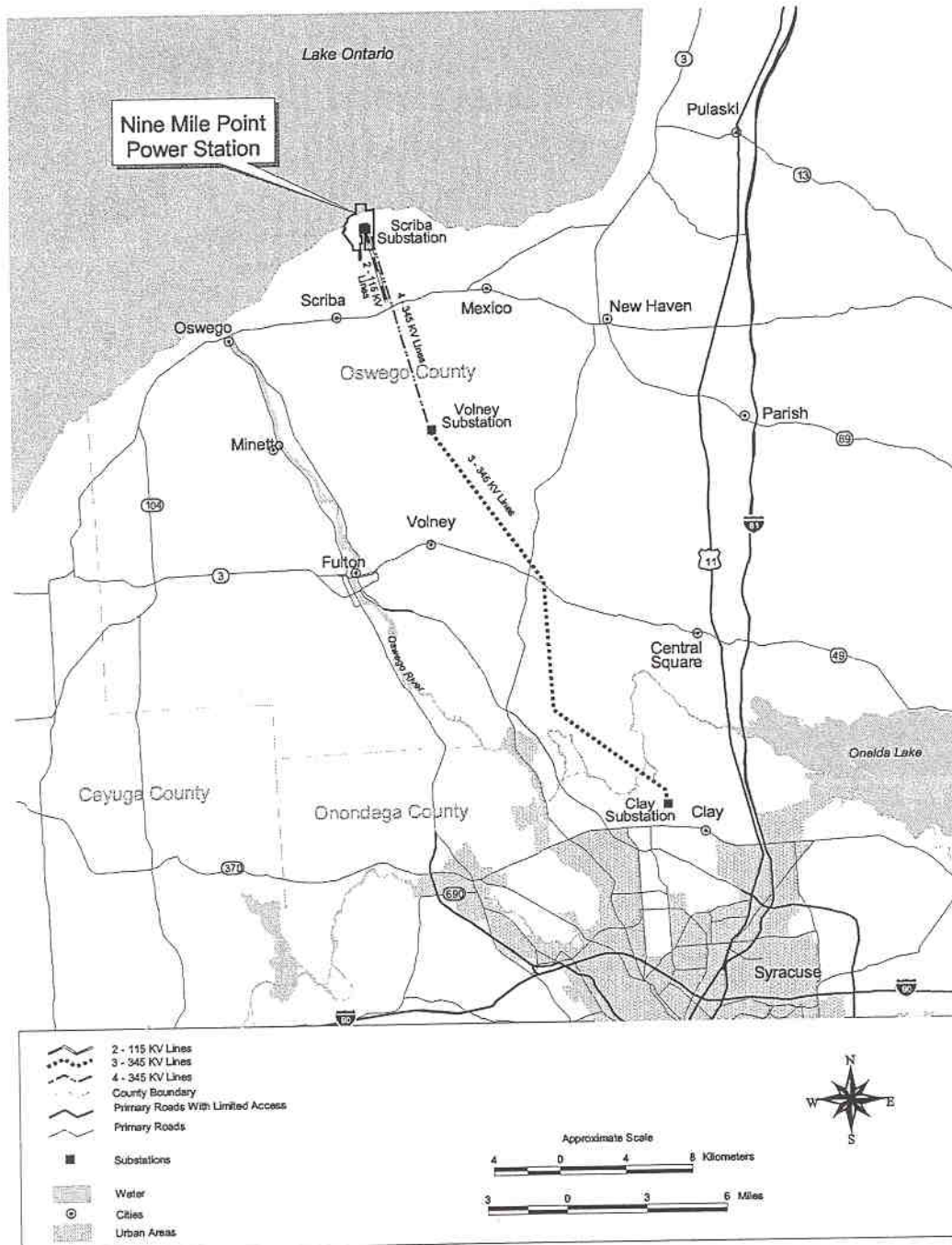
Carla M. Logan  
Environmental Review Lead



# **NINE MILE POINT NUCLEAR STATION LICENSE RENEWAL APPLICATION ENVIRONMENTAL INFORMATION**



## THREATENED AND ENDANGERED SPECIES CORRESPONDENCE





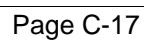
# NINE MILE POINT NUCLEAR STATION LICENSE RENEWAL APPLICATION ENVIRONMENTAL INFORMATION

<p>NIAGARA MOHAWK POWER CORP.</p>
<p>INDEPENDENCE STATION - CLAY 345 kV                  TRANSMISSION LINE PROJECT</p>
<p>Figure 4-5 (Sheet 1)                  Land Use - Community</p>



Base Map: New York State D.O.T. Topographic maps  
 Prepared by: Terrestrial Environmental Specialists, Inc.

## THREATENED AND ENDANGERED SPECIES CORRESPONDENCE



4-30



# NINE MILE POINT NUCLEAR STATION LICENSE RENEWAL APPLICATION ENVIRONMENTAL INFORMATION



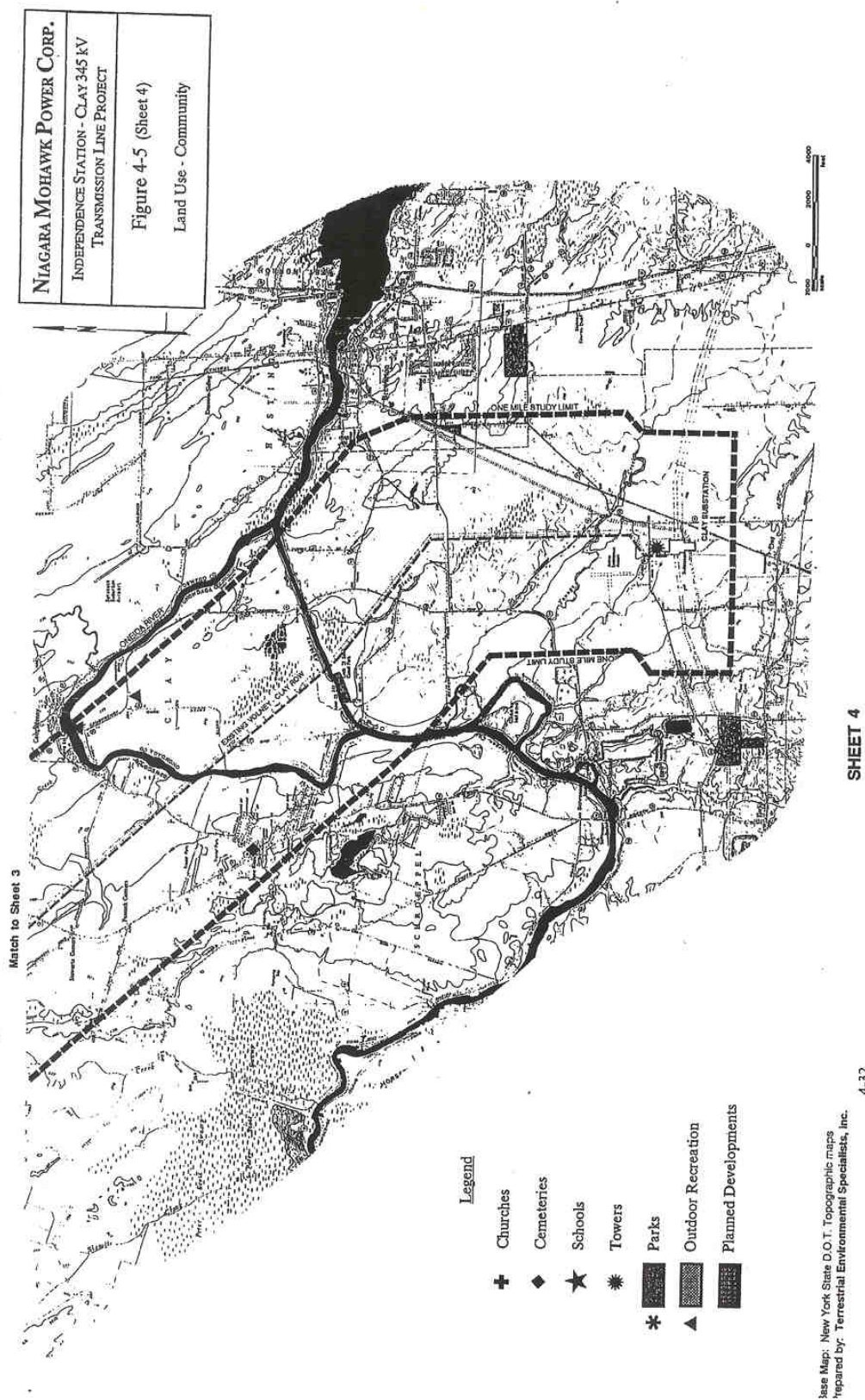
SHEET 3

4-31

Base Map: New York State D.O.T. Topographic maps  
 Prepared by: Terrestrial Environmental Specialists, Inc.



# NINE MILE POINT NUCLEAR STATION LICENSE RENEWAL APPLICATION ENVIRONMENTAL INFORMATION



**NINE MILE POINT NUCLEAR STATION  
LICENSE RENEWAL APPLICATION  
ENVIRONMENTAL INFORMATION**

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**New York State Department of Environmental Conservation**  
**Division of Fish, Wildlife & Marine Resources**  
**New York Natural Heritage Program**  
625 Broadway, Albany, New York 12233-4757  
**Phone:** (518) 402-8935 • **FAX:** (518) 402-8925  
**Website:** [www.dec.state.ny.us](http://www.dec.state.ny.us)



June 10, 2003

Carla M. Logan  
Constellation Nuclear Services  
2200 Defense Highway, Suite 405  
Crofton, MD 21114

Dear Ms. Logan:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to the proposed License Renewal Project - Nine Mile Point Nuclear Station Units 1 and 2, area as indicated on the map you provided, located in the Town of Scribna, Oswego County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site.

Your project location is within, or adjacent to, a designated Significant Coastal Fish and Wildlife Habitat. This habitat is part of New York State's Coastal Management Program (CMP), which is administered by the NYS Department of State (DOS). Projects which may impact the habitat are reviewed by DOS for consistency with the CMP. For more information regarding this designated habitat and applicable consistency review requirements, please contact:

Greg Capobianco or Steven C. Resler      - (518) 474-6000  
NYS Department of State  
Division of Coastal Resources and Waterfront Revitalization  
41 State Street, Albany, NY 12231

The presence of rare species may result in your project requiring additional permits, permit conditions, or review. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

**NINE MILE POINT NUCLEAR STATION  
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For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should NOT be substituted for on-site surveys that may be required for environmental impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,



Charlene Houle  
Information Services  
NY Natural Heritage Program

Encs.

cc: Reg. 7, Wildlife Mgr.  
Reg. 7, Fisheries Mgr.  
Reg. 7, Bureau of Habitat  
Peter Nye, Endangered Species Unit, Albany

# NINE MILE POINT NUCLEAR STATION LICENSE RENEWAL APPLICATION ENVIRONMENTAL INFORMATION

## Natural Heritage Report on Rare Species and Ecological Communities

Prepared 6 June 2003 by NY Natural Heritage Program, NYS DEC, Albany, New York

Refer to the Users' Guide for explanations of codes, ranks, and fields. We do not always provide maps of locations of species most vulnerable to disturbance, nor of some records whose locations and/or extents are not precisely known or are too large to display.

Page 1

* County ** Town	Scientific Name, COMMON NAME, & Group Name	NY Legal Status, Heritage Rank, & Federal Status	EO Rank & Last Seen	Detailed Location	General Habitat and Quality	Office Use
* NY STATE WATERS, OSWEGO						
** CITY OF OSWEGO, SCRIBA, NY STATE WATERS						
<i>Acteryx erythroneura</i> LEAST BITTERN Bird	THREATENED G5 S3B,S1N	E	1992-01-08	TEAL MARSH From the intersection of Route 104 and Route 1 in Oswego, go northeast on Route 1 approximately 1.1 miles to Milea Beach Road. Turn northwest (left) on Milea Beach Road which leads to the marsh.	For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager or NYS DEC Endangered Species Unit at 518-402-8859.	4307644 ESU
* NY STATE WATERS, SCRIBA						
WATERFOWL CONCENTRATION AREA Other	UNPROTECTED S3S4	E	1992-01-08	LAKE ONTARIO SCRIBA The concentration area is in east Lake Ontario, just off shore of the nine mile point nuclear power station, Oswego County.	A discharge area for warm water from the power plant and station. The warmest water is discharged on the west end of the area and from there it spreads east. The water is 80+ degrees F at the point of discharge.	4307654 S
* NY STATE WATERS, SCRIBA, CITY OF OSWEGO						
<i>Pedilymbus podiceps</i> PIED-BILLED GREBE Bird	THREATENED G5 S3B,S1N	E	1992-01-08	TEAL MARSH From the intersection of Route 104 and Route 1 in Oswego, go northeast on Route 1 approximately 1.1 miles to Milea Beach Road. Turn northwest (left) on Milea Beach Road which leads to the marsh.	For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager or NYS DEC Endangered Species Unit at 518-402-8859.	4307644 ESU
* ONONDAGA ** CICERO						



# NINE MILE POINT NUCLEAR STATION LICENSE RENEWAL APPLICATION ENVIRONMENTAL INFORMATION

## Natural Heritage Report on Rare Species and Ecological Communities

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Page 2

* County	** Town	Scientific Name, COMMON NAME, & Group Name	NY Legal Status Heritage Rank, & Federal Status	EO Rank & Last Seen	Detailed Location	General Habitat and Quality	Office Use
* ONONDAGA							
** CICERO							
		<i>Lithospermum canescens</i> HOARY PUCCOON Vascular Plant	UNPROTECTED G5 SX	H NO DATE	BREWERTON Brewerton. [check nearby sandy areas]		4307622 M
		<i>Polygonum setaceum</i> var <i>interjectum</i> SWAMP SMARTWEEED Vascular Plant	ENDANGERED G5T4 SIS2	H NO DATE	BREWERTON Brewerton.		4307622 M
* OSWEGO							
** SCRIBA							
		RICH SHRUB FEN Community	UNPROTECTED G3G4 SIS2	CD 1985-06-06	CLARK CORNERS FEN Shrub swamp 1.1 mi northeast of Clark corners, north of Jay Fly Road and east of Mullins road; northwest of the junction of Johnson Road and Jay Fly Road	Wetland that has a patchwork of scattered cedars, shrub thickets, and cattail-sedge openings, surrounded by a swamp.	4307644 S

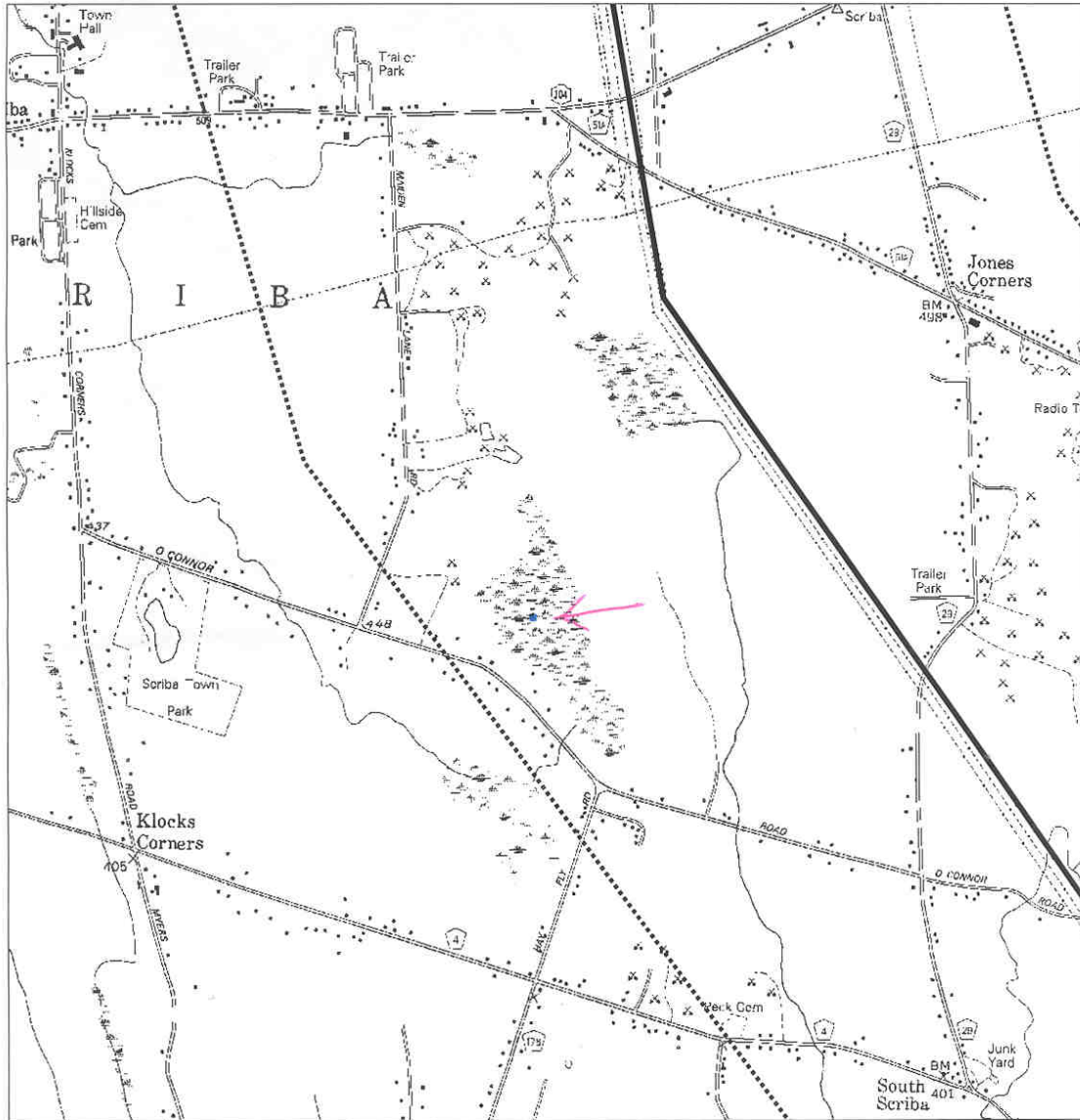
6 Records Processed



**NINE MILE POINT NUCLEAR STATION  
LICENSE RENEWAL APPLICATION  
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**Natural Heritage Map of Rare Species and Ecological Communities**

Prepared June 6, 2003 by NY Natural Heritage Program, NYS DEC, Albany, New York



- PROJECT SITES**
- New York Natural Heritage Program Database Records\*
- Animal
  - Community
  - Animal Concentration Area
  - Plant

Scale: 1:24000

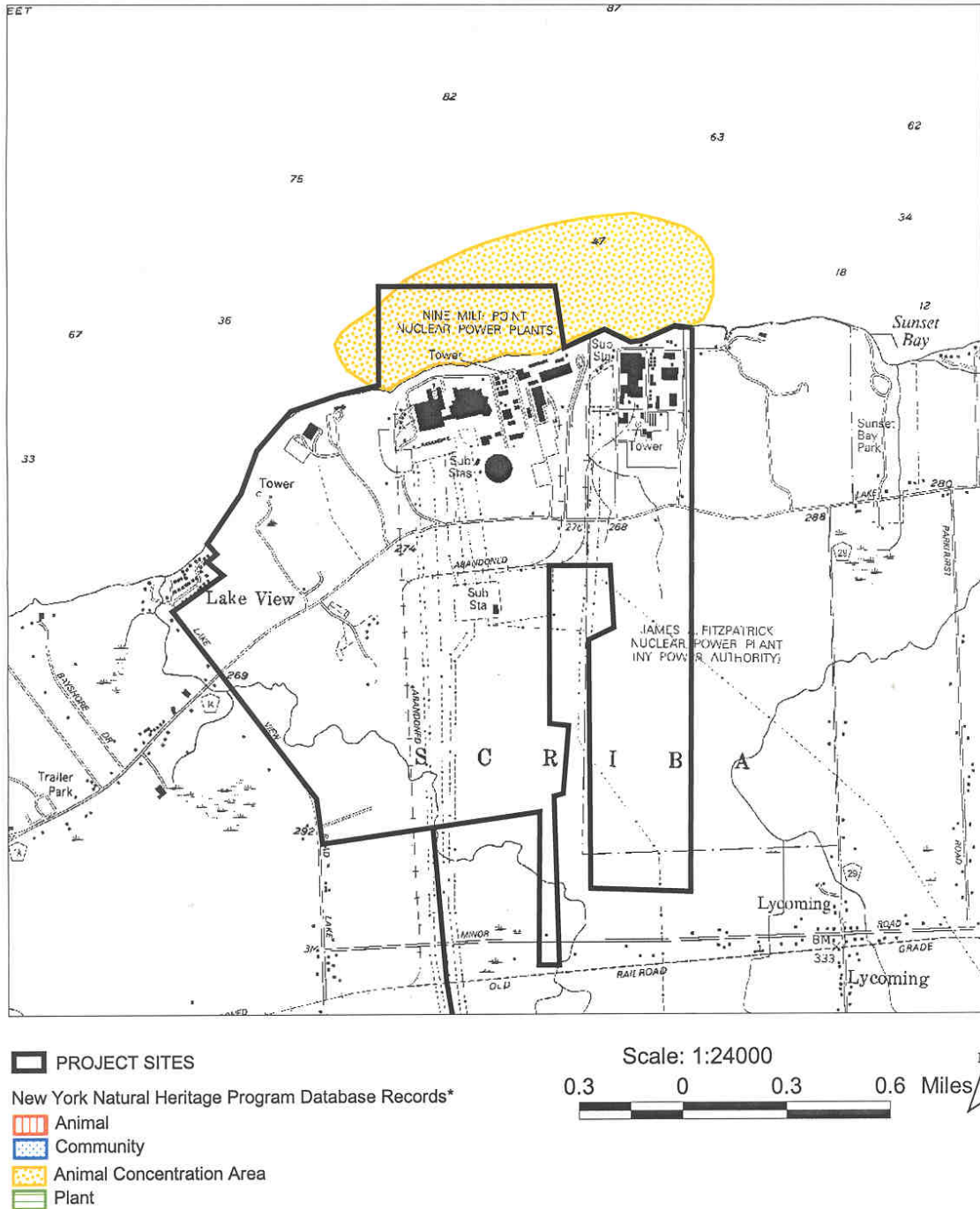
0.3      0      0.3      0.6 Miles

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# **NINE MILE POINT NUCLEAR STATION LICENSE RENEWAL APPLICATION ENVIRONMENTAL INFORMATION**

## Natural Heritage Map of Rare Species and Ecological Communities

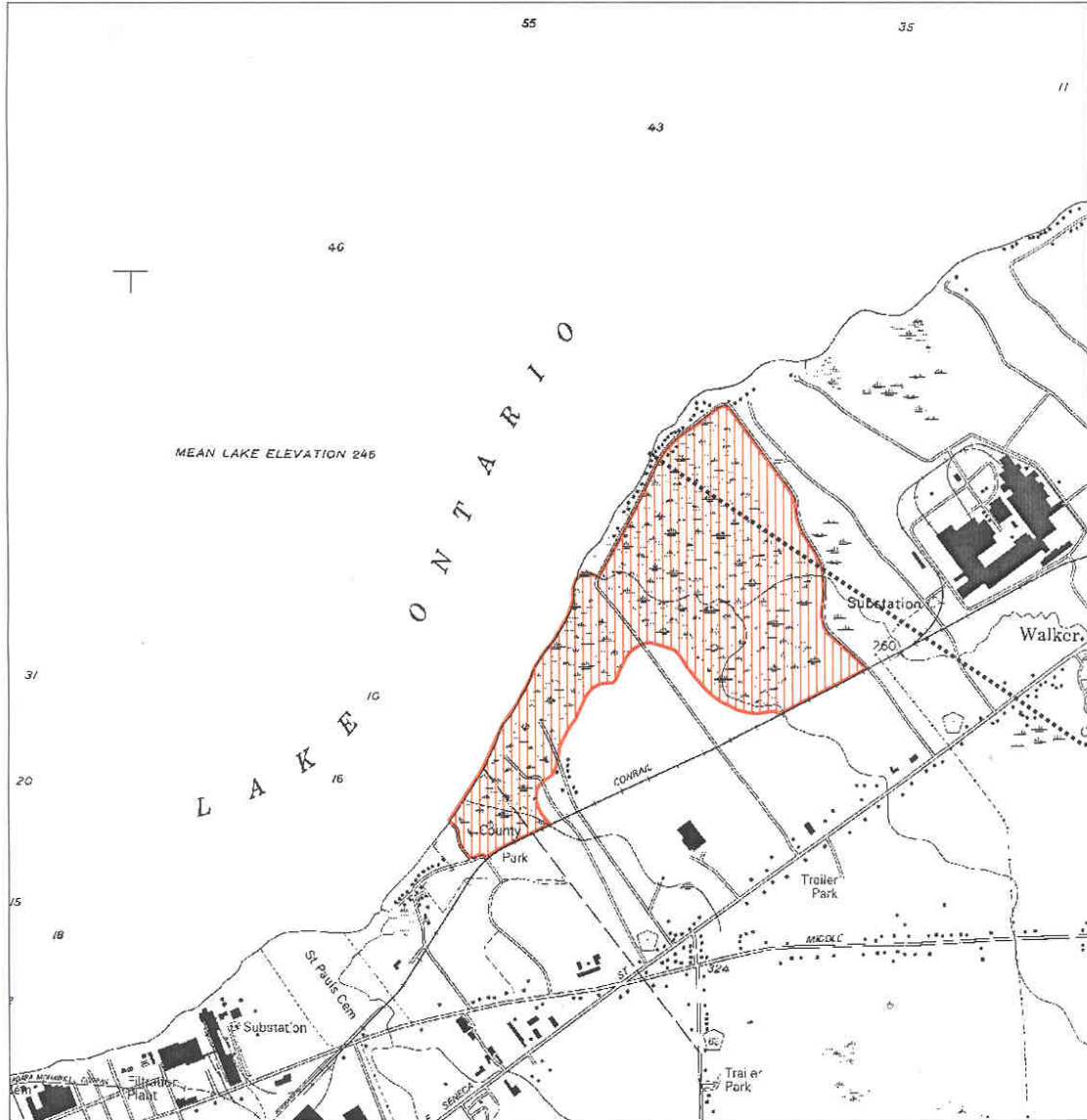
Prepared June 6, 2003 by NY Natural Heritage Program, NYS DEC, Albany, New York



**NINE MILE POINT NUCLEAR STATION  
LICENSE RENEWAL APPLICATION  
ENVIRONMENTAL INFORMATION**

**Natural Heritage Map of Rare Species and Ecological Communities**

Prepared June 6, 2003 by NY Natural Heritage Program, NYS DEC, Albany, New York



- PROJECT SITES**
- New York Natural Heritage Program Database Records\*
- Animal (Pied-billed grebe and least bittern location)
  - Community
  - Animal Concentration Area
  - Plant

Scale: 1:24000

0.3      0      0.3      0.6 Miles

N



**NINE MILE POINT NUCLEAR STATION  
LICENSE RENEWAL APPLICATION  
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**USERS GUIDE TO NY NATURAL HERITAGE DATA**

**NATURAL HERITAGE PROGRAM:** The Natural Heritage Program is an ongoing, systematic, scientific inventory whose goal is to compile and maintain data on the rare plants and animals native to New York State, and significant ecological communities. The data provided in the report facilitate sound planning, conservation, and natural resource management and help to conserve the plants, animals and ecological communities that represent New York's natural heritage.

**DATA SENSITIVITY:** The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

**NATURAL HERITAGE REPORTS** (may contain any of the following types of data):

COUNTY NAME: County where the occurrence of a rare species or significant ecological community is located.

TOWN NAME: Town where the occurrence of a rare species or significant ecological community is located.

USGS 7 1/2 TOPOGRAPHIC MAP: Name of 7.5 minute US Geological Survey (USGS) quadrangle map (scale 1:24,000).

SIZE (acres): Approximate acres occupied by the rare species or significant ecological community at this location. A blank indicates unknown size.

SCIENTIFIC NAME: Scientific name of the occurrence of a rare species or significant ecological community.

COMMON NAME: Common name of the occurrence of a rare species or significant ecological community.

ELEMENT TYPE: Type of element (i.e. plant, animal, significant ecological community, other, etc.)

LAST SEEN: Year rare species or significant ecological community last observed extant at this location.

EO RANK: Comparative evaluation summarizing the quality, condition, viability and defensibility of this occurrence. Use with LAST SEEN.

A-E = Extant: A=excellent, B=good, C=marginal, D=poor, E=extant but with insufficient data to assign a rank of A - D.

F = Failed to find. Did not locate species, but habitat is still there and further field work is justified.

H = Historical. Historical occurrence without any recent field information.

X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.

? = Unknown.

Blank = Not assigned.

**NEW YORK STATE STATUS (animals):** Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

E = Endangered Species: any species which meet one of the following criteria:

1) Any native species in imminent danger of extirpation or extinction in New York.

2) Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.

T = Threatened Species: any species which meet one of the following criteria:

1) Any native species likely to become an endangered species within the foreseeable future in NY.

2) Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.  
SC = Special Concern Species: those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).

P = Protected Wildlife (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.

U = Unprotected (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however a license to take may be required.

G = Game (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

**NEW YORK STATE STATUS (plants):** The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

E = Endangered Species: listed species are those with:

1) 5 or fewer extant sites, or

2) fewer than 1,000 individuals, or

3) restricted to fewer than 4 U.S.G.S. 7 1/2 minute topographical maps, or

4) species listed as endangered by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

T = Threatened: listed species are those with:

1) 6 to fewer than 20 extant sites, or

2) 1,000 to fewer than 3,000 individuals, or

3) restricted to not less than 4 or more than 7 U.S.G.S. 7 and 1/2 minute topographical maps, or

4) listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

R = Rare: listed species have:

1) 20 to 35 extant sites, or

2) 3,000 to 5,000 individuals statewide.

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V = Exploitably vulnerable: listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked.  
U = Unprotected; no state status.

**NEW YORK STATE STATUS** (communities): At this time there are no categories defined for communities.

**FEDERAL STATUS** (plants and animals): The categories of federal status are defined by the United States Department of the Interior as part of the 1974 Endangered Species Act (see Code of Federal Regulations 50 CFR 17). The species listed under this law are enumerated in the Federal Register vol. 50, no. 188, pp. 39526 - 39527.

(blank) = No Federal Endangered Species Act status.

LE = The element is formally listed as endangered.

LT = The element is formally listed as threatened.

E/SA = The element is treated as endangered because of similarity of appearance to other endangered species or subspecies.

PE = The element is proposed as endangered.

PT = The element is proposed as threatened.

C = The element is a candidate for listing.

(LE) = If the element is a full species, all subspecies or varieties are listed as endangered; if the element is a subspecies, the full species is listed as endangered.

(LE-LT) = The species is formally listed as endangered in part of its range, and as threatened in the other part; or, one or more subspecies or varieties is listed as endangered, and the others are listed as threatened.

(LT-C) = The species is formally listed as threatened in part of its range, and as a candidate for listing in the other part; or, one or more subspecies or varieties is listed as threatened, and the others are candidates for listing.

(LT-(T/SA)) = One or more subspecies or populations of the species is formally listed as threatened, and the others are treated as threatened because of similarity of appearance to the listed threatened subspecies or populations.

(PS) = Partial status: the species is listed in parts of its range and not in others; or, one or more subspecies or varieties is listed, while the others are not listed.

**GLOBAL AND STATE RANKS** (animals, plants, ecological communities and others): Each element has a global and state rank as determined by the NY Natural Heritage Program. These ranks carry no legal weight. The global rank reflects the rarity of the element throughout the world and the state rank reflects the rarity within New York State. Intraspecific taxa are also assigned a taxon rank to reflect the infraspecific taxon's rank throughout the world. ? = Indicates a question exists about the rank. Range ranks, e.g. S1S2, indicate not enough information is available to distinguish between two ranks.

## GLOBAL RANK:

G1 = Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or very few remaining acres, or miles of stream) or especially vulnerable to extinction because of some factor of its biology.

G2 = Imperiled globally because of rarity (6 - 20 occurrences, or few remaining acres, or miles of stream) or very vulnerable to extinction throughout its range because of other factors.

G3 = Either rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g. a physiographic region), or vulnerable to extinction throughout its range because of other factors.

G4 = Apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery.

G5 = Demonstrably secure globally, though it may be quite rare in parts of its range, especially at the periphery.

GH = Historically known, with the expectation that it might be rediscovered.

GX = Species believed to be extinct.

## STATE RANK:

S1 = Typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York State.

S2 = Typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State.

S3 = Typically 21 to 100 occurrences, limited acreage, or miles of stream in New York State.

S4 = Apparently secure in New York State.

S5 = Demonstrably secure in New York State.

SH = Historically known from New York State, but not seen in the past 15 years.

SX = Apparently extirpated from New York State.

SZ = Present in New York State only as a transient migrant.

SxB and SxN, where Sx is one of the codes above, are used for migratory animals, and refer to the rarity within New York State of the breeding (B) populations and the non-breeding populations (N), respectively, of the species.

**TAXON (T) RANK:** The T-ranks (T1 - T5) are defined the same way as the Global ranks (G1 - G5), but the T-rank refers only to the rarity of the subspecific taxon.

T1 through T5 = See Global Rank definitions above.

Q = Indicates a question exists whether or not the taxon is a good taxonomic entity.

**OFFICE USE:** Information for use by the Natural Heritage Program.

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P.O. Box 63  
Lycoming, New York 13093



Nine Mile Point  
Nuclear Station

February 28, 2004  
NMPE 0399

Mr. David A. Stilwell  
Field Supervisor  
United States Department of the Interior  
Fish and Wildlife Service  
3817 Luker Road  
Cortland, NY 13045

Dear Mr. Stilwell:

**SUBJECT:** Environmental Review for Nine Mile Point Nuclear Station License Renewal Project

With this letter, Nine Mile Point Nuclear Station, LLC (NMPNS) requests your input to the Nine Mile Point Nuclear Station (NMP) license renewal environmental review. NMPNS, with the assistance of Constellation Nuclear Services, Inc., is currently preparing applications for submittal to the U.S. Nuclear Regulatory Commission (NRC) to renew the operating licenses for the two nuclear power generating units at NMP, located in Oswego County, New York. You are likely aware that the operating licenses for several U.S. nuclear power plants have been successfully renewed, and that applications for license renewal for several other plants have been submitted to the NRC for review. Successful renewal would extend the NMP operating licenses for an additional 20 years; i.e., until 2029 and 2046 for Units 1 and 2, respectively.

In addition to detailed safety reviews, the license renewal process involves a thorough review of potential environmental impacts by NMPNS and the NRC in accordance with provisions of the National Environmental Policy Act (NEPA). The attached fact sheet provides an overview of the process and associated environmental review activities for NMP. In brief, the NRC has prepared a generic environmental impact statement (GEIS) that addressed environmental impacts of license renewal on the basis of a review of plants nationwide. Detailed environmental review for individual plants such as NMP includes preparation of an environmental report (ER) by the applicant and a site-specific supplement to the GEIS by the NRC. These latter documents must include impact assessments for site-specific environmental issues that were not resolved generically by the NRC in the GEIS. They also must identify any known "new and significant information," i.e., potentially significant environmental issues or impacts not recognized as such by the NRC in the GEIS, and the NRC's codified findings from the GEIS (10 CFR 51.53). In accordance with NEPA, the NRC's process for developing the site-specific supplements includes substantial opportunity for participation by agencies and the public, including the opportunity to formally comment on the scope of the NRC's site-specific supplement to the GEIS and the adequacy of that document.

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Nonetheless, the NMP License Renewal Environmental Review Team would appreciate your early and active participation in the license renewal environmental review process for NMP. In particular, we would welcome any questions or concerns your agency has in regards to the environmental implications of NMP license renewal, and any information that your agency may consider to be potentially "new and significant." These efforts will help ensure that the ER we prepare is complete. In this regard, we would be pleased to meet with your agency representative(s) to discuss the NMP license renewal environmental review in detail.

Please address your agency's interest in a meeting, and any questions or concerns about the environmental review to:

Kent Stoffle  
Nine Mile Point Nuclear Station, LLC  
348 Lake Road  
Oswego, NY 13126  
Tel.: 315-349-1364  
Email: kent.stoffle@constellation.com

Thank you on behalf of NMPNS and the NMP License Renewal Environmental Review Team.

Sincerely,



William C. Holston  
Manager, Engineering Services

WCH/KES/bjh  
Attachment

**NINE MILE POINT NUCLEAR STATION  
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**AN OVERVIEW OF THE  
LICENSE RENEWAL ENVIRONMENTAL REVIEW PROCESS  
FOR THE NINE MILE POINT NUCLEAR STATION**

**BACKGROUND**

Nine Mile Point Nuclear Station, LLC (NMPNS) operates the Nine Mile Point Nuclear Station (NMP), a two-unit nuclear power plant located on approximately 900 acres situated on Lake Ontario in the Town of Scriba, Oswego County, New York. NMPNS, a wholly-owned subsidiary of Constellation Energy of Baltimore, Maryland owns 100% of NMP Unit 1 and 82% of NMP Unit 2. The Long Island Power Authority (LIPA) owns the remaining 18% of NMP Unit 2. Net electrical capacity is 615 and 1,144 megawatts electric (MWe), respectively, for Units 1 and 2 for a total net output of 1759 MWe. NMP Unit 1 has a once-through cooling system. NMP Unit 2 features a closed-cycle cooling system using a natural draft cooling tower for the circulating water system, while the service water system is once through with a portion of the flow recirculated to provide make-up water for evaporative losses from the cooling tower. The water for these systems is withdrawn from and discharged back to Lake Ontario. Three single circuit 345-kV transmission lines transmit power from the two NMP switchyards to the transmission grid. Two of these lines connect to the Scriba Substation, located about 2,000 feet southeast of the switchyards. The third line extends approximately 26 miles southeast to the Clay Substation.

The initial 40-year operating licenses for NMP Unit 1 and NMP Unit 2 expire in 2009 and 2026, respectively. In keeping with continued efforts to ensure a safe, reliable, and economical supply of energy to its customers, NMPNS plans to submit applications to the U.S. Nuclear Regulatory Commission (NRC) in May 2004 for renewed licenses that would authorize operation of the units for up to 20 years beyond their current license expiration dates, i.e., until 2029 and 2046, respectively.

The NRC's license renewal application process involves a thorough technical evaluation of plant systems, structures, and components to assess the effects of aging; and development of measures to manage aging effects to ensure continued safe operation through the period of extended operation. In accordance with the National Environmental Policy Act (NEPA), it also involves an assessment of potential environmental impacts associated with extended operation of the plant; major plant refurbishments, if any, within the scope of license renewal; and associated transmission lines considered within the scope of license renewal.

The NEPA process provides substantial opportunities for input from stakeholders, including federal, state, and local resource agencies concerned with resources potentially affected by extended operation and associated major refurbishments, if any. In addition, the NRC is specifically obligated to consult with the U.S. Fish and Wildlife Service, the New York State (NYS) Historic Preservation Office, and other potentially affected agencies regarding potential impacts to threatened or endangered species and cultural resources, respectively.

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NMPNS prepared this overview of the license renewal environmental review process to help agency representatives become familiar with this process and facilitate their active participation. Additionally, more detailed information is available from the NRC's license renewal website (<http://www.nrc.gov/reactors/operating/licensing/renewal.html>).

**THE LICENSE RENEWAL ENVIRONMENTAL REVIEW PROCESS**

The NRC requires that applications for renewal of nuclear power plant operating licenses include an environmental report (ER) that addresses the potential environmental impacts of license renewal and alternatives to license renewal. To improve the efficiency of the environmental review process for these applications, NRC prepared and issued a generic environmental impact statement (GEIS), *Generic Environmental Impact Statement for the License Renewal of Nuclear Power Plants* (i.e., NUREG-1437) and amended its environmental protection regulations at 10 CFR 51, Subpart A, based on the analyses reported therein. In the GEIS, the NRC identified and evaluated 92 issues representing a full range of potential environmental impacts that could result from license renewal, including impacts from any needed plant refurbishment and impacts from plant operation beyond the current 40-year operating license term. The NRC designated 69 of the issues as Category 1, based on the following criteria:

- a. the impacts associated with the issue apply either to all plants or to plants having a specific cooling system or other specified plant or site characteristic;
- b. a single significance level (i.e., small, medium, or large) has been assigned to the impacts; and
- c. additional plant-specific mitigation measures were likely to not be sufficiently beneficial to warrant implementation.

Environmental impacts associated with these Category 1 issues were thus identified, analyzed, and resolved in the GEIS. However, twenty-one (21) of the issues could not meet one or more of the Category 1 criteria and were classified as Category 2 issues. Because these Category 2 issues could not be generically resolved, the NRC requires that they be addressed on a site-specific basis in the applicant's ER [see 10 CFR 51.53(c) and associated Appendix B, Table B-1]. The NRC also requires that applicants identify in the ER any "new and significant information" regarding the environmental impact of license renewal of which the applicant is aware to ensure thorough analysis of all potential environmental impacts associated with license renewal. Such information includes potentially significant environmental issues that the NRC did not consider in the GEIS and/or information that may lead to a different conclusion than was documented in the GEIS and codified in Table B-1 of the NRC's regulations, as cited above. In the course of developing the ER, applicants for a renewed operating license routinely consult with resource agencies. These consultations are undertaken to familiarize the agencies with the project, identify agency concerns, and obtain pertinent resource information, including any new and potentially significant information, as needed to ensure a complete and accurate application.



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The NRC addresses the Category 2 issues, two of the 92 issues that were unresolved in the GEIS and not categorized (environmental justice and chronic effects of electromagnetic fields on human health), and any new and significant issues in a site-specific Supplemental Environmental Impact Statement (SEIS) to the GEIS, which it prepares on the basis of information submitted by the applicant in the ER and its own independent evaluations.

In preparing the SEIS, the NRC:

- 1) Solicits stakeholder input in the media and at public meetings to finalize the SEIS scope.
- 2) Consults with federal, state and local resource and planning agencies to determine agency concerns and obtain additional information.
- 3) Prepares a Draft SEIS on the basis of independent analysis, using input from the applicant, agencies, and the public.
- 4) Solicits stakeholder comments on the Draft SEIS in the media and at public meetings.
- 5) Prepares the Final SEIS on the basis of comments received.

The GEIS and SEISs published for nuclear plants that have been issued or have applied for renewed operating licenses are available from the NRC as NUREG-1437 and associated supplements at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/>. NRC regulations, including NRC's conclusions regarding each of the 92 license renewal environmental issues, are readily available at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>.

**ENVIRONMENTAL REVIEW ACTIVITIES FOR NMP**

NMPNS is in the process of preparing the license renewal application, of which the ER is a part. NMPNS welcomes the opportunity to meet with interested agencies in late February to March to better familiarize them with the NRC license renewal process and the NMP license renewal project, and to obtain agency input. As a matter of statutory obligation or practice, the NRC is expected to request informal consultations with some agencies as they prepare the SEIS (e.g., NYS Department of Environmental Conservation, U.S. Fish and Wildlife Service, State Historic Preservation Office, NYS Department of State). Consequently, NMPNS requests written input from these agencies to be received by March 26, 2004 to include in the ER and facilitate these later consultations with the NRC.

The ER will address applicable site-specific environmental issues related to extended operation of NMP and other appropriate topics as specified in 10 CFR 51.53(c), including:

- applicable Category 2 issues, including potential impact on water use, ecological resources, land use, and socioeconomics
- environmental justice
- new and significant issues, if any
- alternatives to license renewal (e.g., generation alternatives)

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The NRC will establish a schedule for SEIS preparation and related activities once the application for NMP has been submitted. However, assuming a submittal date of late May 2004, NMPNS anticipates that scoping and draft SEIS preparation will be initiated in late 2004 and the final SEIS will be completed by late 2005 to early 2006.